

**MINUTES OF: LICENSING SUB-COMMITTEE  
HEARING UNDER THE LICENSING ACT 2003**

**DATE OF MEETING: 29<sup>th</sup> October 2009**

**PRESENT: Councillor Eaton (Chairman)  
Councillors C Pilling and Unsworth**

**IN ATTENDANCE: Mr N Scanlon, Principal Legal Officer (Legal  
Advisor)  
Miss S Chadwick, Licensing Administration  
Officer (Licensing Officer)  
Mrs C Sharples, Acting Committee and Member  
Services Manager (Hearing Administrator)  
Miss M Hargreaves, Committee Officer (Hearing  
Administrator)**

**ALSO PRESENT: Mr P Taylor, Environmental Health (Applicant)  
Mr D Nickson (Licence Holder)  
3 members of the public**

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**1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

There were no apologies for absences submitted.

**2. CHAIRMAN'S INTRODUCTION**

The Chairman welcomed all parties to the meeting and asked the members of the Sub-Committee and Officers to introduce themselves.

The Chairman asked the Applicant and the Licence Holder to introduce themselves.

**3. DECLARATIONS OF INTEREST**

No declarations of interest were made at the meeting.

**4. APPLICATION TO REVIEW PREMISES LICENCE  
AT: NEW HALL HEY SOCIAL CLUB, RAWTENSTALL**

It was confirmed that no parties wished to withdraw their representations.

Both parties requested additional information in the form of letters to be considered at the meeting. Following agreement from both parties the Chairman agreed to circulate and consider the additional information. The Committee retired to consider the new evidence. The new evidence was also circulated to respective parties for consideration.

Once the Sub-Committee and the respective parties had considered the additional information the meeting resumed.

## HEARING PROCESS

At the Hearing, the Licensing Officer's report was presented and representations were made to the Sub-Committee by the Applicant and the Licence Holder.

The Sub-Committee asked questions to both the Applicant and the Licence Holder. In response to questions from the Sub-Committee, the Licence Holder confirmed that he had been the Licence Holder since May 2009. After questioning, the Chairman asked both parties for their final closing statements.

## DETERMINATION

Following the representations made by all parties, the Chairman and Sub-Committee members left the room in order to discuss the application and representations made in respect thereof. The Legal Advisor and the Hearing Administrators also left the room.

## RESOLVED:

After giving consideration to all the written and verbal representations made by the Applicant and the Licence Holder; and after giving proper consideration to the Licensing Objectives, the Sub-Committee appointed under the Licensing Act 2003 decided to take the following action on the review of the Premises Licence under Section 52(4) of the 2003 Act:

**That although members have concerns about the way the club has been run, the evidence brought forward by the Applicant has on this occasion not been adequate to demonstrate that a public nuisance exists.**

**This however comes with a strong recommendation that both parties establish a dialogue, and that the applicant, and if necessary the Licensing Officers of the Council, monitor the situation and where it is deemed necessary apply again for a review of the Premises Licence.**

The Sub-Committee were satisfied that these measures were necessary to satisfy the following licensing objectives:

- Prevention of Crime and Disorder
- Protection of Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

The Chairman informed that there was a right of appeal for all parties before the Magistrates Court within 21 days of the date of service of the Determination Notice.

**The meeting commenced at 2.30pm and closed at 4.30pm**